

REMARKS

Claims 1-10, 12, and 14-23 are all the claims presently pending in the application. Claims 1-5, 7-9, 12, 14-17, and 22 are amended to more clearly define the invention. Claims 1, 12, 14-17, and 22 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1, 12, 14-15, and 17-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabowsky (U.S. Patent No. 6,141,530) in view of Hershey (U.S. Patent No. 5,544,077). Claims 2-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabowsky in view of Hershey and further in view of Takamori (U.S. Patent No. 5,287,186).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as defined by, for example, independent claim 1, is directed to a digital content reproducing system that includes a movie company terminal which stores and manages a digital content of movies, a content delivery terminal in communication with the movie company terminal via a network, and a projecting system which is connected to the content delivery terminal via the network, receives the digital content from the content delivery terminal via the network, and reproduces the digital

content to show a movie. The projecting system includes a reproducing device, a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and an audio-visual input switching device receiving only one of a video signal and an audio signal from one of the reproducing device and the backup reproducing device.

Conventional systems that reproduce and deliver content are film based. These systems are expensive because the film is expensive to produce, copy, distribute, and store. Further, film tends to degrade over time and may become damaged, thereby introducing errors into the content that is stored on the film.

In stark contrast, the present invention provides a digital content reproducing system that includes a reproducing device, and a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device.

In this manner, the present invention increases the reliability of all aspects of the content production, delivery and presentation. The present invention also makes it easier to deal with the content and does not subject the content to the risk of degradation and/or damage. (Page 2, lines 3-8).

II. THE 35 U.S.C. § 101 REJECTION

The Examiner alleges that claim 16 “is directed to non-statutory subject matter. The signal structure is a non-functional data structure and as such is nonstatutory.” While Applicant submits that claim 16 very clearly recites statutory subject matter, to speed prosecution claim 16 has been amended in accordance with Examiner Fish’s very helpful

suggestions.

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

III. THE PRIOR ART REJECTIONS

A. The Rabowsky reference in view of the Hershey reference

Regarding the rejection of claims 1, 12, 14-15, and 17-23, the Examiner alleges that the Hershey reference would have been combined with the Rabowsky reference to form the claimed invention. Applicant submits, however, that these references would not have been combined.

None of the applied references teaches or suggests the features of the present invention including a projecting system that includes a reproducing device, a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and an audio-visual input switching device receiving only one of a video signal and an audio signal from one of the reproducing device and the backup reproducing device.

Indeed, the Examiner does not allege that the applied references teaches or suggests these features.

Moreover, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, the Rabowsky reference is concerned with the problems of secure delivery of motion pictures (col. 1, lines 11 - 45).

In stark contrast, the Hershey reference is concerned with the completely different and unrelated problem of the delay inherent in the execution of programmed instructions for monitoring and switching over in a hot-standby configuration. (Col. 2, lines 46 - 56).

One of ordinary skill in the art who was concerned with the secure delivery of motion pictures as the Rabowsky reference is concerned would not have referred to the Hershey reference, and vice-versa, because the Hershey reference is concerned only with the completely different and unrelated problem of the delay inherent in the execution of programmed instructions for monitoring and switching over in a hot-standby configuration. Thus, the references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1, 12, 14-15, and 17-23.

B. The Rabowsky reference in view of the Hershey reference and in further view of the Takamori reference

Regarding the rejection of claims 2 - 10, the Examiner alleges that the Hershey reference would have been combined with the Rabowsky reference and further alleges that the Takamori reference would have been combined with the Hershey reference and the Rabowsky reference to form the claimed invention. Applicant submits, however, that these references would not have been combined. None of the applied references teaches or suggests the features of the present invention including a projecting system that includes a reproducing device, a backup reproducing device that decodes signals while the reproducing device periodically sends a first predetermined signal to the backup reproducing device, and an audio-visual input switching device receiving only one of a video signal and an audio

signal from one of the reproducing device and the backup reproducing device.

Indeed, the Examiner does not allege that the applied references teaches or suggests these features.

Moreover, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

As explained above, the Rabowsky reference is concerned with the problems of secure delivery of motion pictures (col. 1, lines 11 - 45) and the Hershey reference is concerned with the completely different and unrelated problem of the delay inherent in the execution of programmed instructions for monitoring and switching over in a hot-standby configuration. (Col. 2, lines 46 - 56).

In stark contrast to the Rabowsky reference and the Hershey reference, the Takamori reference is directed to the completely different and unrelated problems not being able to take over the sole operating unit if the backup unit should fail. (Col. 1, lines 17 - 22).

One of ordinary skill in the art who was concerned with the problems of secure delivery of motion pictures as the Rabowsky reference is concerned or who was concerned with the problem of the delay inherent in the execution of programmed instructions for monitoring and switching over in a hot-standby configuration as the Hershey reference is concerned would not have referred to the Takamori reference, and vice-versa, because the Takamori reference is concerned with the completely different problem of allowing a failed main unit to be replaced while a backup unit is operating. Thus, the references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims

2-10.

IV. FORMAL MATTERS AND CONCLUSION


In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-10, 12, and 14-23, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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